



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NEW YORK 10007

JAMES E. JOHNSON  
*Corporation Counsel*

LAURA IHEANACHOR  
*Assistant Corporation Counsel*  
Phone: (212) 356-2368  
Fax: (212) 356-3509  
liheanac@law.nyc.gov

April 1, 2020

**BY ECF**

Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

Re: Michael Taylor v. City of New York, et al.  
19 Civ. 6754 (KPF) (HBP)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney assigned to represent defendant City of New York ("City") in the above-referenced matter. Defendant City writes to respectfully request a ninety (90) day stay of this litigation, including all scheduled deadlines and discovery, in light of the current pandemic. Plaintiff's counsel consents to this request. This is City Defendants' first request for such a stay.

As the Court is aware, the country is currently grappling with the COVID-19, or coronavirus, pandemic. On March 7, 2020, Governor Andrew Cuomo declared that New York is in a state of emergency because of the rapidly developing pandemic situation. On March 13, 2020, Mayor Bill de Blasio followed suit, and declared New York City to be in a state of emergency as well. Further, on March 20, 2020, Governor Cuomo signed the "New York State On Pause" Executive Order, mandating that all non-essential personnel stay at home. In light of pronouncements from government officials, associated policies, expert recommendations, and the citywide efforts to curb the further spread of COVID-19, the New York City Law Department, has significantly transitioned its workforce to work from home status.

Due to the fact that the aforementioned recent developments have caused (1) this Office to reduce its in office workforce to essential employees, (2) the state courts to halt non-critical functions, and (3) health providers, businesses, and agencies throughout New York City and state to overwhelmingly reduce their in-office workforce, there has been a significant disruption in normal business functions that has affected the undersigned's ability to defend this matter,

including, but not limited to, requesting and obtaining documents, preparing defendants for deposition, and conducting depositions.<sup>1</sup>

Accordingly, this Office respectfully requests that the Court grant a stay of the instant litigation for ninety (90) days in light of the developing situation surrounding COVID-19. Thank you for your consideration herein.

Respectfully submitted,

*Laura Iheanachor* /s/

Laura Iheanachor

Assistant Corporation Counsel

cc: All Counsel of Record (ECF)

In light of the circumstances laid out in Defendants' letter of April 2, 2020 (Dkt. #19), this matter is hereby STAYED for 60 days. On or before June 1, 2020, Defendants shall submit a status letter to the Court. If the parties believe a further stay of the case is merited at that time, they may file a request to that effect. If the parties believe that they may resume their efforts to complete discovery in this matter, they shall provide a proposed revised case management plan by that date.

Dated: April 2, 2020  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup> Conducting a deposition remotely simply fails to be an adequate substitute for an in-person deposition; courts in this Circuit have repeatedly recognized that “an in-person deposition is also preferable in terms of ensuring the accuracy of the depositions and interpretations” of testimony, *Memory Film Prods. v. Makara*, No. 05 Civ. 3735, 2007 U.S. Dist. LEXIS 34110, at \*10 (E.D.N.Y. May 9, 2007), and is not a solution when “testimony is being preserved for trial,” as “it is important to have counsel present so that the examination most closely approximates that which would occur in the courtroom.” *In re Fosamax Prods. Liab. Litig.*, 06 MD 1789 (JFK) (JCF), 2009 U.S. Dist. LEXIS 27209, at \*30 (S.D.N.Y. Mar. 4, 2009) (collecting cases).